

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

JENNIFER DOLD, personal representative  
of the estate of Alexander Dold; and KATHY  
DUNCAN,

Plaintiffs,

v.

SNOHOMISH COUNTY, a political  
subdivision of the State of Washington;  
BRYSON McGEE; and CODY McCOY,

Defendants.

NO. 2:20-cv-00383-JHC

DECLARATION OF JAMES E.  
LOBSENZ IN SUPPORT OF  
PLAINTIFFS' MOTIONS IN LIMINE

I, JAMES E. LOBSENZ, do hereby declare under penalty of perjury under the laws of  
the United States of America that the following facts are true and correct:

1. I am counsel for the Plaintiffs. I have personal knowledge of the facts set forth here.
2. Attached to this declaration as **Appendix A** is a true and correct copy of a page of  
the CAD Radio Communication Detail Report.
3. Attached to this declaration as **Appendix B** is a true and correct copy of the  
Toxicology Test Report dated April 17, 2017.
4. Attached to this declaration as **Appendix C** are true and correct copies of Pages 2-  
3 of the Transcript of the 911 Call.
5. Attached to this declaration as **Appendix D** are true and correct copies of excerpts  
from the deposition of Kathy Duncan.

6. Attached to this declaration as **Appendix E** are true and correct copies of excerpts from the deposition of Jennifer Dold.

DATED this 9th day of February, 2023.

s/ James E. Lobsenz.

James E. Lobsenz WSBA #8787

Attorneys for Plaintiffs

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Phone: (206) 622-8020

[lobsenz@carneylaw.com](mailto:lobsenz@carneylaw.com)

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 9th day of February, 2023, I electronically filed the  
3 foregoing **DECLARATION OF JAMES E. LOBSENZ IN SUPPORT OF PLAINTIFFS’**  
4 **MOTIONS IN LIMINE** with the Clerk of the Court using the CM/ECF system which will  
send notification of such filing to the following:

5 **Attorneys for Defendant Snohomish County**

6 Ted Buck [tbuck@freybuck.com](mailto:tbuck@freybuck.com)  
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14 DATED this 9th day of February, 2023.

15 s/ Deborah A. Groth  
16 Legal Assistant

# APPENDIX A

## Call For Service Detail Report - CFS 910

Address	12014 221ST ST SE, Snohomish				
Common Name					
Custom Layer	SO3830	Census Tract	521.12		
Beat	C4	Quadrant	AF0120	District	477H1
Caller Name	DUNCAN, KATHY	Call Phone	3605510614	Call Taker	SP0291
Create Date	3/21/2017 9:17:32 PM	Clear Date	3/22/2017 8:14:09 AM	Nature Of	

### Agencies

Call Type	Status	Priority	Dispatcher	Created Date
HELP	1	1	SP0291	3/21/2017 9:17:32 PM
MEDX	1	1F	SP0337	3/21/2017 9:56:45 PM

### Narratives

Date Time	Description	User	Machine
3/21/2017 9:18:36 PM	CC, MALE VERBAL AND PHYSICAL	Davies,Dana	
3/21/2017 9:19:28 PM	SUS IS MENTAL AND OFF MEDS, RP REQ SILENT APPROACH	Davies,Dana	
3/21/2017 9:19:45 PM	SUP GVN	Quint,R.L.	
3/21/2017 9:20:08 PM	SUS- F/ALEXANDER, L/DOLD, 29 YO,	Davies,Dana	
3/21/2017 9:21:28 PM	SUS LS IN HOUSE, RP LEFT THE HOUSE IN ORDER TO CALL, RP THINKS HE WILL TAKE OFF IF HE KNOWS RP CALLED	Davies,Dana	
3/21/2017 9:22:41 PM	SUP GVN	Quint,R.L.	
3/21/2017 9:23:07 PM	RP IS GOING BACK TO THE HOUSE	Davies,Dana	
3/21/2017 9:24:03 PM	SUS VEH-WHI PLYMOUTH NEON, RP VEH-BLU YARIS	Davies,Dana	
3/21/2017 9:25:33 PM	RP WANTS HIM TAKEN IN FOR PHYCH EVAL, SUS-WMA TALL, SHAVED HEAD, TEE, SWEATS	Davies,Dana	
3/21/2017 9:26:11 PM	SUP GVN	Quint,R.L.	
3/21/2017 9:26:44 PM	LR291	Davies,Dana	
3/21/2017 9:53:01 PM	AIR CLOSED, TAZER DEPLOYED	Porter,Krysta	
3/21/2017 9:54:48 PM	SEND US SOME HELP	Porter,Krysta	
3/21/2017 9:56:16 PM	CODE 3- BCST ALL RADIOS	Porter,Krysta	
3/21/2017 9:56:28 PM	WSP ER	Baertschiger,Sara	
3/21/2017 9:56:29 PM	RP CALLING FROM 12027 221ST ST SE, HEARD SOMEONE SAY "SHOW ME YOUR HANDS"	Sawyer,Myranda	
3/21/2017 9:56:45 PM	**aid stage**	Dotson,Kate	
3/21/2017 9:56:55 PM	***AID TO STAGE	Fenter,Jenifer	
3/21/2017 9:57:27 PM	HURRY UP	Porter,Krysta	
3/21/2017 9:58:20 PM	THIS RP ANNETTE, 425 877 8220	Sawyer,Myranda	
3/21/2017 9:58:56 PM	SOUTH COUNTY LEVEL 2	Spromberg,Amy	
3/21/2017 9:59:19 PM	THIS RP ADV SOMEONE WALKED	Sawyer,Myranda	

DOLD-BL-000795

# APPENDIX B



**TOXICOLOGY LABORATORY**  
**WASHINGTON STATE PATROL**  
2203 Airport Way South Suite 360 Seattle, WA 98134  
(206) 262-6100 FAX No. (206) 262-6145

**COPY**

**TOXICOLOGY TEST REPORT**

**Attention:** Dr. Stanley Adams

**Agency:** Snohomish Co Medical Examiner

**Address:** 9509 29th Ave W  
Everett, WA 98204

**Tox Case #:** ST-17-03739 **Case Type:** Death Investigation **Report Date:** 4/17/2017

**Agency Case #:** 17SN0482

**Subject Name:** Alexander W. Dold

**Evidence:** The following evidence was submitted to the Laboratory by Danielle Renshaw of the Snohomish Co Medical Examiner on 3/29/2017 via USPS-Certified Mail:  
(1) ST-17-03739-A: VGray, Blood - Peripheral

**Volatile Analysis Results:**

**ST-17-03739-A: Blood - Peripheral**

ST-17-03739-A was tested by Headspace - Gas Chromatography for the presence of acetone, ethanol, isopropanol, and methanol on 04/10/2017. The following result was obtained:

None Detected

**Drug Analysis Results:**

**ST-17-03739-A: Blood - Peripheral**

ST-17-03739-A was tested by Enzyme Multiplied Immunoassay Technique (EMIT) for the presence of amphetamines, barbiturates, benzodiazepines, cannabinoids, cocaine metabolite, and opiates on 04/10/2017. The following result(s) was obtained:

None Detected

ST-17-03739-A was tested by Gas Chromatography/Mass Spectrometry for the presence of basic drugs and metabolites on 04/10/2017. The following result(s) was obtained:

None Detected

**COMMENTS**

All testing was performed by the Forensic Scientist listed below except as otherwise indicated. The Forensic Scientist has technically reviewed all relevant pages of testing documentation in the case record.

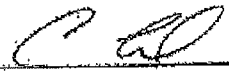


COPY

Request ID: ST-17-03739-0001

Examined by:

Reviewed by:

  
Asa Louis, BSc  
Forensic Scientist 3

Date: 20170417

  
Reviewer

Date: 4, 19, 17





# APPENDIX C

SM17-6 911 CALLS AND RADIO TRAFFIC- Case #SM17-6

SNOPAC And that's what, SE?

CALLER Yes.

SNOPAC Okay; and is that a house or a...

CALLER You go up Echo Lake...

SNOPAC Is that a house or an apartment?

CALLER It's a house.

SNOPAC And what's happening there?

CALLER Well, my...my adult son lives with me, he has schizophrenia and he hasn't taken his medicine since November or December and he was tossing around the house tonight and he hasn't done that before so that's...he just went over the line and he...

SNOPAC So he's verbal?

CALLER I have a fat lip and he yanked the landlord...or he...the lanyard off my neck and he was trying to get my phone and I think that's when he hit me and he had his arms cocked...

SNOPAC Any weapons involved?

CALLER Um, no. I...I have a gun but it's with me and uh...

SNOPAC Is it secured?

CALLER Pardon?

SNOPAC Is it secured?

SM17-6 911 CALLS AND RADIO TRAFFIC-- Case #SM17-6

CALLER Yes, it's zipped up and it will be locked in...in the car. He won't be violent with them. He's afraid of police because when he...a friend of his in high school was killed by a policeman so he was...

SNOPAC And...what is the...

CALLER And I want no lights, no sirens. I just want them to go and talk to him and then he has to go to the hospital 'cause I'm...I'm...I...I was so afraid. I mean, he spit on me, he flipped my recliner upside down, I was upside down, uh, he hit me in the lip, um, and he...he's...he's never done that before.

SNOPAC What's his first name?

CALLER Alexander; and he's 29. He's like 6 feet tall.

SNOPAC What's his last name?

CALLER Dole, D-O-L-D.

SNOPAC D.

CALLER He's...he's been in um, the hospital twice for this; not for being violent but for schizophrenia. Usually he's just been...

SNOPAC Where...where is he right...where is he right now?

CALLER He's...he's at our house and I just came up to the store pretending like I'm coming to the store so I can call and then I'll...I'll go back.

SNOPAC Well, I want for you to do whatever you need to do to keep yourself safe. So are you injured? Do you need an aid car?

CALLER Oh no, no, no.

# APPENDIX D

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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JENNIFER DOLD, personal representative )	
of the estate of Alexander Dold; and )	
KATHY DUNCAN, mother of Alexander Dold,)	
)	
Plaintiffs, )	
)	
vs. )	
)	NO. 2:20-CV-00383
SNOHOMISH COUNTY, a political )	
subdivision of the State of )	
Washington; BRYSON MCGEE; and )	
CODY MCCOY, )	
)	
Defendants. )	

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REMOTE

VIDEO DEPOSITION UPON ORAL EXAMINATION OF

KATHY DUNCAN

-----

9:39 a.m.

January 26, 2022

Seattle, Washington

STENOGRAPHICALLY REPORTED BY:

JANE L. WORDEN, RPR, CCR No. 2726

1 when he thought he heard people talking?

2 A. When he worked at the golf course.

3 Q. What happened then?

4 A. Well, they had to go to work early to have the  
5 greens and stuff clean before the golfers came. And so it  
6 was dark, and he asked his boss if he could come in later.

7 MR. LOBSENZ: Shannon, can we take a moment?

8 MS. RAGONESI: Yeah, that's fine. Let's take a  
9 quick break.

10 THE VIDEOGRAPHER: Going off record.

11 The time is 10:13.

12 (A recess was taken.)

13 THE VIDEOGRAPHER: We're back on the record.

14 The time is 10:20.

15 MS. RAGONESI: Thank you.

16 Q. Ms. Duncan, can you please continue with your  
17 answer.

18 MR. LOBSENZ: Can you tell us the question again.  
19 I think she was done, but what was the question?

20 MS. RAGONESI: She was telling us about the  
21 incident that happened with Alex at the golf course.

22 THE WITNESS: Okay. He -- they came in early, and  
23 it was getting -- it was dark. And he asked his boss if  
24 he could come in later because there were people out in  
25 the bushes with bows and arrows. And his boss let him go.

1 He knew he had a mental illness.

2 Q. BY MS. RAGONESI: Do you know how his boss at the  
3 golf course responded when he made that request?

4 A. Please repeat.

5 Q. Sure. And also, Ms. Duncan, I know that you're  
6 trying really hard to hear. But when you lean forward, we  
7 lose half of your face in the video.

8 A. Sorry.

9 Q. Not a problem. But I don't know, we may need to  
10 adjust the screen a little bit. We'll just try to work  
11 through it, and I'll remind you. Oh, I have to remember  
12 my question.

13 How did his boss respond when he made that  
14 request?

15 A. He let him go.

16 Q. Okay. Were there any other incidents where Alex  
17 had either a delusion or thought he heard voices or  
18 anything of that nature?

19 A. Not that I am aware of.

20 Q. Was Alex prescribed medications?

21 A. Yes, he was.

22 Q. What medications was he prescribed?

23 A. I don't know the names.

24 Q. Do you know what the purpose was of those meds?

25 A. It was for schizophrenia.

1 A. A Smith & Wesson .38.

2 Q. And how long did you have that gun?

3 A. I bought it when I lived on Elm Way.

4 So 2014 maybe.

5 Q. Why did you buy the gun?

6 A. Well, being a single person.

7 Q. For protection?

8 A. Well, to me, I feel safe. If somebody came in the  
9 house, I could protect myself.

10 Q. Did Alex know that you had the gun?

11 A. He saw it once. And it upset him.

12 Q. Did he say why it upset him?

13 A. He said, Why do we have a gun? And he went out  
14 for a cigarette. And I removed the bullets, put them in  
15 my purse. And when he came back in I said, Alex, this is  
16 just a pellet gun. Don't worry. He never saw it again.  
17 He never, ever touched it. He never, never.

18 Q. And I just wanted to remind you, Ms. Duncan, to  
19 try and not get too close to the computer. I know you're  
20 trying to hear me, but it's cutting you off. So, I don't  
21 know, maybe you can turn the volume up. I'm trying to  
22 talk slowly too to help you hear better.

23 A. You're fine.

24 MR. LOBSENZ: I was going to ask if we could  
25 experiment with the volume or something.



1 you had interacted with Alex, do you recall that?

2 A. Well, he was asleep when I'd go to work; so I  
3 would have seen him on my birthday. I would come home,  
4 call and say, Want a coffee. You want -- you know, what  
5 would you like for dinner, just stuff like that, just mom  
6 stuff.

7 Q. Okay. So is it safe to say you don't have a  
8 specific recollection of your prior interaction with Alex?

9 A. I don't even know what I did on my birthday the  
10 day before. I can't remember. That was March 20th.

11 Q. Did Alex get you a present for your birthday?

12 A. He didn't have any money.

13 Q. So is that a no, he didn't get you a present?

14 A. No.

15 Q. Did he get you a card?

16 A. No.

17 Q. Did you do anything with Alex for your birthday?

18 A. I said I don't even remember what I did on my  
19 birthday. It was five years ago. And I had to work that  
20 day, and I had to work the next day.

21 Q. Do you recall before the incident the last time  
22 that you and Alex had gotten in an argument?

23 A. We didn't argue.

24 Q. Was Alex into anything online?

25 A. Yeah, he talked to girls and stuff online, and

1 pictures and junk like that.

2 Q. What girls did he talk to?

3 A. Just not the kind you want to take home to mom.

4 Just girls, you know.

5 Q. On what kind of websites?

6 A. I don't know.

7 Q. How do you know he did that?

8 A. I think accidentally I saw something on his phone  
9 once.

10 Q. And what did you see?

11 MR. LOBSENZ: Okay. Go ahead and answer that, and  
12 then --

13 THE WITNESS: -- pictures --

14 MR. LOBSENZ: Wait one second, please. Go ahead  
15 and answer that. But first when you're done I'm going to  
16 make an objection. Go ahead and answer.

17 THE WITNESS: Just girly pictures, and girls would  
18 call and text and stuff. And it's the people online that  
19 just, you know, they're not really your friends. It's  
20 just -- I don't know what they would get out of it.

21 He doesn't have any money.

22 (Reporter clarification.)

23 A. It's not like they're after money.

24 MR. LOBSENZ: Are you done with your answer?

25 THE WITNESS: Yeah.

1 MR. LOBSENZ: I want to state for the record that  
2 it's my understanding that the County is defending a  
3 Monell claim and a negligent retention claim.

4 (Reporter clarification.)

5 MR. LOBSENZ: And to be asking questions about  
6 what kind of girls he might have talked to seems not only  
7 not relevant but beyond the pale of anything that could  
8 possibly lead to anything relevant.

9 And you may continue to question about it.  
10 But it seems to be so far afield as to be not any purpose  
11 for asking Ms. Duncan these questions anymore.

12 Q. BY MR. GROSS: Do you know if he was spending any  
13 money on these interactions with girls online?

14 A. He didn't have money to spend.

15 He got \$30.00 a day.

16 Q. Were you -- did you have access to his card  
17 statements?

18 A. We could see where he spent his money, yes.

19 Q. Okay. And did you ever see him spend money on  
20 things online?

21 A. No.

22 Q. Was he -- did he have, besides the girls you're  
23 referring to, did he have online friends?

24 A. If you don't meet them, I don't know how they can  
25 be friends. But just girls were contacting him, and he'd

# APPENDIX E

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

JENNIFER DOLD, personal )  
representative of the )  
estate of Alexander Dold; )  
and KATHY DUNCAN, mother )  
of Alexander Dold, )

Plaintiffs, )

vs. )

NO. 2:20-cv-00383-RAJ

SNOHOMISH COUNTY, a )  
political subdivision of )  
the State of Washington; )  
BRYSON McGEE; and CODY )  
McCOY, )

Defendants. )

Video-Recorded Deposition Upon Oral Examination  
of  
JENNIFER DOLD

Taken Via Zoom

DATE: February 2, 2022

REPORTED BY: Lori K. Haworth, RPR  
License No.: 2958

1 watching him for days. So. Just things like that, I  
2 mean, that logically don't make sense to the rest of us,  
3 and we can rationalize and understand that that's not  
4 the case. But yeah, he definitely had some paranoia and  
5 delusions.

6 Q. There is some indication in the medical records  
7 that Alex at times thought that there were serial  
8 killers living in the woods around your mom's house.  
9 Did you ever experience those paranoid incidents with  
10 him?

11 A. He did tell me that.

12 Q. There is also an indication in the records that  
13 Alex would sleep with weapons, due to his worries about  
14 people coming in and trying to harm him. Did you ever  
15 experience that with Alex?

16 A. I don't think "sleep with weapons" is the right  
17 word. I mean, I have a gun next to my bed for my  
18 safety. He was afraid of guns. So I believe he did  
19 have a golf club or a bat at some points when he was  
20 feeling unsafe. And he never used those in the entire  
21 time from '06 to when he died. It was just a safety  
22 net, like we all have, knowing that if someone broke in  
23 or if something happened, we could protect ourselves,  
24 so. But yes, he did.

25 Q. I think Kathy mentioned something about a

1     **can't remember her name.**

2           Q.     So Jen, we talked about some interactions that  
3     Alex had with the police. One that we didn't talk about  
4     was, apparently Alex was -- soon after a friend was  
5     involved in a deadly application of force with law  
6     enforcement, Alex actually arrived at his house. And  
7     that was back in the 2011 time frame, if I remember  
8     correctly. Does that sound about right?

9           **A.     That sounds right.**

10          Q.     So Alex didn't have any personal interaction  
11     with police that day. But he did have some personal  
12     interaction with police after the broken car window  
13     incident that you described earlier with his friend; is  
14     that right?

15          **A.     Yes.**

16          Q.     And was he actually arrested on that occasion  
17     or was he simply brought back to -- brought home by the  
18     law enforcement officers?

19          **A.     No, he was taken in.**

20          Q.     And we talked about the altercation with Frank.  
21     But your recollection is, the police didn't actually  
22     have contact with him that night; is that correct?

23          **A.     No.    Yeah, there was no contact. There was a**  
24     **court date. And my cousin didn't go. So it was thrown**  
25     **out, I believe. I don't know the technical term.**